

FIRST REGULAR SESSION

HOUSE BILL NO. 504

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCAHERTY.

1494H.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 337, RSMo, by adding thereto one new section relating to professional licenses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 337, RSMo, is amended by adding thereto one new section, to be known as section 337.001, to read as follows:

337.001. 1. Notwithstanding any other law to the contrary, no disciplinary proceeding against any person or entity licensed, registered or certified to practice under chapter 337 shall be initiated unless such action is commenced within three years of the date of occurrence of the act on which discipline is to be based, except as provided herein.

2. Notwithstanding any other law to the contrary, no agency licensing, registering, or certifying a person or entity under chapter 337 may refuse to renew a license, registration or certification on the basis of an act occurring three years or more prior to the date of renewal.

3. The time periods set out in subsections 1 and 2 of this section shall not apply to the following grounds for discipline or nonrenewal:

(1) Use of fraud, deception, misrepresentation or bribery in securing any license, registration or certification issued under chapter 337 or in obtaining permission to take any examination given or required pursuant to the provisions of chapter 337;

(2) Issuance of a license based upon a material mistake of fact;

(3) Adjudication and finding of guilt, or entry of a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, whether or not a sentence is imposed, for any offense reasonably related to the qualifications, functions

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 or duties of the profession conducted under the authority of chapter 337; for any offense
19 an essential element of which is fraud, dishonesty or an act of violence; or for any offense
20 involving moral turpitude;

21 (4) Violation of any professional trust or confidence in the nature of sexual
22 misconduct with a person in connection with services being provided under the license,
23 registration or certification issued under chapter 337; or

24 (5) Obtaining or attempting to obtain any fee, charge, tuition or other compensation
25 for professional services being provided under the license, registration or certification
26 issued under chapter 337 by fraud, deception or misrepresentation; provided, however,
27 this exemption shall apply only to actions for which the limitations period for recovering
28 such amounts or bringing criminal charges for such conduct has not lapsed, whichever is
29 later.

30 4. The time periods set out in subsections 1 and 2 of this section shall be tolled:

31 (1) During any time the holder of the license, registration or certificate issued under
32 chapter 337 is practicing exclusively outside the state of Missouri or residing outside the
33 state of Missouri and not practicing in Missouri;

34 (2) If the act on which the discipline or refusal is to be based involves a minor,
35 during such time when the minor was under eighteen years of age, provided the agency did
36 not know or did not have reason to know of the act prior to the minor reaching the age of
37 eighteen; or

38 (3) If a settlement agreement is offered to the holder of the license, registration or
39 certificate issued under chapter 337, in an attempt to settle such disciplinary matter
40 without formal proceeding under section 621.045 until such time as the settlement
41 agreement is rejected or accepted.

42 5. For any act or occurrence which occurred more than two years prior to the
43 effective date of this section, the agency may initiate disciplinary action or refuse to renew
44 a license, registration or certificate, provided such disciplinary action is initiated or refusal
45 to renew occurs within one year of the effective date of this section.

✓